

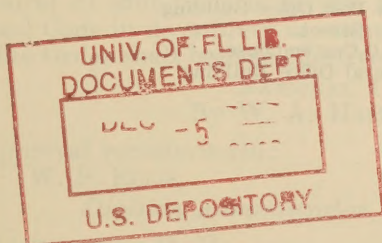
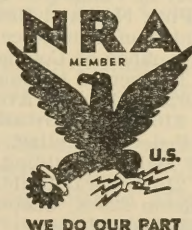
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

FOR THE

BITUMINOUS COAL INDUSTRY

AS APPROVED ON JANUARY 8, 1935



UNITED STATES
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Approved Code No. 24—Amendment No. 5

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

BITUMINOUS COAL INDUSTRY

As Approved on January 8, 1935

ORDER

APPROVING AMENDMENTS OF CODE OF FAIR COMPETITION FOR THE BITUMINOUS COAL INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Bituminous Coal Industry:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

This Order shall become effective immediately.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,

Division Administrator.

WASHINGTON, D. C.,

January 8, 1935.

107604*—1465-51—35

(1)

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Bituminous Coal Industry, submitted by the Southern Sub-Divisional Coal Code Authority No. 1 of Division I after submission to all other Code Authorities for the said Industry.

The existing provision of Article VI, Section 1, of the Code for said Industry, is entirely inadequate in view of the necessity for clarification by reason of varying interpretations placed upon the wording thereof. It is, therefore, evident that the proposed amendment of Article VI, Section 1, of said Code, as modified by the National Industrial Recovery Board, as provided in the notice for public hearing thereon, will overcome the existing inadequate provision.

FINDINGS

The Acting Deputy Administrator in his final report to us on the amendment to the Code of Fair Competition for the Bituminous Coal Industry having found as herein set forth and on the basis of all proceedings in this matter:

We find that pending such further order as the National Industrial Recovery Board may enter thereon;

(a) The amendment to said Code and the Code as amended are designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers any Sub-Divisional Code Authority to present the aforesaid amendment on behalf of the Industry as a

whole after submission to all other Code Authorities affected thereby (which shall include the Divisional Code Authority).

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

Said amendment is accordingly approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 8, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BITUMINOUS COAL INDUSTRY

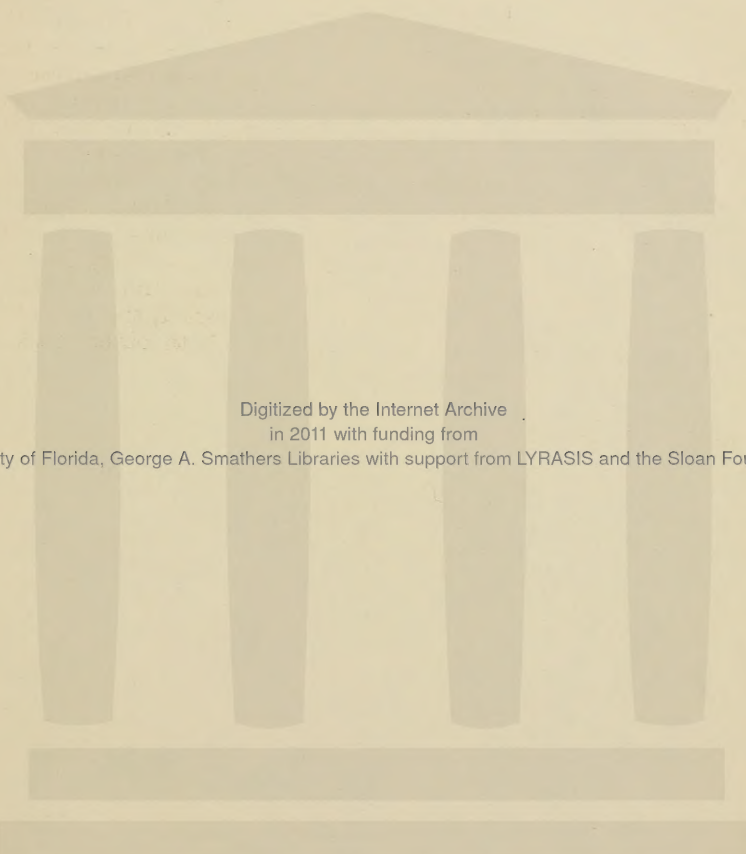
Delete Section 1 of Article VI and substitute in lieu thereof the following:

SECTION 1. The making of a contract to sell or offer to sell coal, whether for immediate or future delivery, at a price below the fair market price at the date of such contract or offer (regardless of the dates specified for the making of deliveries), or any sale or delivery of coal (other than pursuant to contract made in accordance with the foregoing) below the fair market price thereof at the time of delivery, determined as hereinafter provided, is hereby declared to be an unfair competitive practice and in violation of this Code. Such fair market price shall be determined and established as hereinafter provided, and it shall be proper in determining such fair market price to consider the purposes of the National Industry Recovery Act, the minimum rates of pay herein established, the furnishing of employment for labor and the competition with other coals, fuels, and form of energy for heat production.

Approved Code No. 24—Amendment No. 5.
Registry No. 702-45.

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